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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,120	05/25/2001	Tommy C. Poon	MH-5077	4933

7590 07/28/2003

Patent Department
Mitsubishi Electric Research Laboratories, Inc.
201 Broadway
Cambridge, MA 02139

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/866,120

Applicant(s)
Poon

Examiner
Daniel Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 9, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

1
2 1. Receipt of the amendment filed May 9, 2003 amending claims 1 and 6 is
3 acknowledged. Claims 1-7 are pending in the application and are presented to be examined
4 upon their merits.
5
6

Response to Arguments

7
8
9 2. Applicant's arguments filed May 09, 2003 have been fully considered but they are not
10 persuasive. The examiner disagrees with applicants assertions and this explanation is
11 respectfully submitted to the applicant to clarify the examiner's position made in the previous
12 office action mailed March 03, 2003. The examiner maintains that the secondary reference,
13 Mandler et al, teaches the amended language. Mandler discloses that forwarding of the
14 commercial transaction is configured to operate according to a profile *determined by the buyer*
15 via the registration of a buyer/user with the financial institution over the computer network and
16 the reception of a request for goods and services at the financial institution from the buyer/user
17 (see Mandler et al, fig. 4B-1, col. 3, ll. 35+). It is the position of the examiner that the
18 registration and request for goods and services is in fact a profile determined solely by the
19 buyer/user and represents a vital part of the transaction process made between the buyer and
20 the financial institution (clearinghouse), and the financial institution and the seller. The buyer
21 and the seller have no direct contact.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertz (WO 00/65517) in view of Mandler et al (hereinafter "Mandler", US 5,732,400).

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1 **Re claims 1, 6 and 7:**

2 Hertz discloses a method and apparatus for performing a commercial transaction via a
3 network (see Hertz Abstract);

4 specifying a commercial transaction for a user in an apparatus/system having a personal
5 access module (*user terminal*) connected to the network (*Internet*), the personal access module
6 operated only by the user (see Hertz, page 2, line 3-9; and page 4, ll. 15-24);

7 receiving the commercial transaction in an apparatus/system having a personal access
8 link (*website*) (see Hertz, page 2, line 3-9; and page 4, ll. 15-24)

9 Hertz fails to disclose wherein the system is configured to operate according to a profile
10 associated with the use, forwarding the commercial transaction to a financial institution system
11 therein depending on the profile of the user, and forwarding the commercial transaction from
12 the financial institution system to a selected merchant system therein depending on the profile
13 of the user and the commercial transaction.

14 Mandler discloses a system for a risk based purchase of good and services (*via credit*
15 *data or commercial credit service*) wherein the system is configured to operate according to a
16 profile determined by the user (see Mandler---*risk data*, col. 3, ll. 32+) and the request to
17 purchase goods and/or services from sellers is allowed to be forwarded to sellers after the risk
18 classification is found to be acceptable by the financial institution (*financial clearinghouse*)(see
19 at least Mandler, col. 3, ll. 35-65). Since Hertz discloses a commercial transaction method
20 that includes the use of credit accounts to make purchases (see Hertz, page 3, ll. 10+). It
21 would have been obvious to an artisan of ordinary skill in the art at the time of the invention of
22 Hertz to integrate the risk based purchase method, using credit data to establish buyer
23 credulity, as found in Mandler into the Hertz system because and artisan at the time of the

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1 invention would have been familiar with credit history reports and credit agencies that are used
2 to establish customer ability and reliability to pay for purchased items, in particular "big
3 ticket" items (ie automobiles and houses). Thus to modify Hertz with Mandler would have
4 provided a conventional filtering system for sellers and thereby increasing security and
5 confidence in the use of the Hertz method to make transactions. Thus such a modification
6 would have been an obvious expedient well within the ordinary skill in the art.

7
8
9
10 **Regarding Claim 3:**

11 Hertz in view of Mandler discloses the personal access module identifies the user and a
12 method of payment (see Hertz, page 2, line 3-9; and page 4, ll. 15-24)

13
14
15 **Regarding Claim 4:**

16 Hertz in view of Mandler discloses the personal access link is a web site operated by the
17 financial institutional system (see Hertz, page 2, line 3-9; and page 4, ll. 15-24).

18
19 **Regarding Claim 5:**

20 Hertz in view of Mandler discloses the financial institution system is coupled to a plurality of
21 merchant systems (see Hertz, page 2, line 3-9; and page 4, ll. 15-24).

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Daniel S. Felten*** whose telephone number is (703) 305-0724. The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday. Any inquiry of a general nature relating to the status of this application or its proceedings should be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor ***Vincent Millin*** whose telephone number is (703) 308-1065.

7. Response to this action should be mailed to:

Commissioner of Patents and Trademarks


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1 Washington, D.C. 20231

2
3 for formal communications intended for entry, or (703) 305-0040, for informal or draft
4 communications, please label "Proposed" or "Draft".

5 Communications via Internet e-mail regarding this application, other than those under 35
6 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
7 addressed to [daniel.felten@uspto.gov].
8

9 All Internet e-mail communications will be made of record in the application file. PTO
10 employees do not engage in Internet communications where there exists a possibility that
11 sensitive information could be identified or exchanged unless the record includes a properly
12 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
13 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
14 Trademark on February 25, 1997 at 1 195 OG 89.

15 
16 DSF
17 July 23, 2003


HANI M. KAZIMI
PRIMARY EXAMINER